

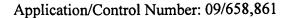
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APPLICATION NO.	PLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/658,861		09/08/2000	Hikaru Yoshitaka	08038.0027 2556		
22852	7590	03/26/2003				
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER				EXAMINER		
LLP 1300 I STRI	,		NGUYEN, HA T			
WASHING	TON, DC	20005		ART UNIT	PAPER NUMBER	
				2812		
				DATE MAILED: 03/26/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	<u>V</u> ,V					
	09/658,861	YOSHITAKA						
Advisory Action	Examiner	Art Unit	Т					
1	Ha T. Nguyen	2812						
The MAII ING DATE of this communication appe	,							
The MAILING DATE of this communication appears on the c ver she t with the correspondence address THE REPLY FILED 05 March 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. PERIOD FOR REPLY [check either a) or b)]								
a) The period for reply expiresmonths from the mailing date of the final rejection.								
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
A Notice of Appeal was filed on Appellant's 37 CFR 1.192(a), or any extension thereof (37 CFR).	Brief must be filed within the pe	riod set forth in f the appeal.						
2. The proposed amendment(s) will not be entered because:								
(a) they raise new issues that would require furthe	r consideration and/or search (s	see NOTE below);						
(b) they raise the issue of new matter (see Note be	-							
(c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or								
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.NOTE: .								
3. Applicant's reply has overcome the following rejection(s):								
4. Newly proposed or amended claim(s) would be canceling the non-allowable claim(s).								
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for rapplication in condition for allowance because:	reconsideration has been consideration.	dered but does NO	T place the					
6. The affidavit or exhibit will NOT be considered becaraised by the Examiner in the final rejection.	use it is not directed SOLELY to) issues which were	e newly					
7. For purposes of Appeal, the proposed amendment(s explanation of how the new or amended claims work	s) a) will not be entered or b) uld be rejected is provided below	☑ will be entered a w or appended.	ınd an					
The status of the claim(s) is (or will be) as follows:								
Claim(s) allowed:								
Claim(s) objected to:								
Claim(s) rejected: <u>5-9</u> .								
Claim(s) withdrawn from consideration:								
8. The proposed drawing correction filed on is a	a)☐ approved or b)☐ disappr	oved by the Examir	ner					
9. Note the attached Information Disclosure Statement			101.					
10. Other:	(O)(1 10-1770) , apoi(e)	·						
To	•							



Art Unit: 2812

Response to Applicant's Arguments

1. Applicant argued that there is no motivation for combining the references used in the rejection. The examiner disagrees, the examiner did indicate the reason why it would have been obvious to combine the references used in Paper No. 17. The examiner did not indicate the motivation for combining the references used because it has been shown that it would have been obvious to substitute equivalents known for the same purpose (case of the combination of Zhao with Moore), to combine equivalents known for the same purpose (case of the combination of Zhao and Moore with Fraser or Chen) (see MPEP 2144.06) and art recognized suitability for an intended purpose (case of the combination of Zhao and Moore with Wolf) (see MPEP 2144.07).

Therefore, the rejection of claims 4-9 as stated in Paper No. 17 is proper.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ha Nguyen whose telephone number is (703)308-2706. The examiner can normally be reached on Monday-Friday from 8:30AM to 6:00PM, except the first Friday of each bi-week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Niebling, can be reached on (703) 308-3325. The fax phone number for this Group is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Ha Nguyen

Primary Examiner

03 - 19 - 03